

dependent claims refer to independent Claim 1 and to the cell as claimed in Claim 1 as well. Amended Claim 26 is directed primarily to a cell and a vehicle or a carrier which is a single inventive concept.

The vehicle or carrier can be water, glycerol, ethanol, saline, or the like or the combinations thereof, see page 16, lines 6-8 of the application. These vehicle or carrier are known chemicals. Therefore, a search for prior art regarding the cell and regarding a vehicle or a carrier can be carried out by the Examiner at the same time.

Amended Claim 26 is enclosed as Appendix A. Appendix B, which is enclosed herewith, shows how currently pending Claim 26 was amended to produce amended Claims 26 in Appendix A. In Appendix B, the portions being added are underlined; and the portions being deleted are enclosed in brackets.

If for any reason the Examiner still requires an election of Group I or II, despite the above given arguments and amended Claim 26, the Applicant hereby provisionally elects;

Group I,      Claims 1-25 and 27, drawn to a cell (composition I) for the production of helper dependent adenoviral vector

for prosecution in this Application.

It is noted that the United States Patent Law does not require that Examiners enter non-unity objections, and therefore the Examiner is requested to reconsider the non-unity objection in view of the fact that the claims, while distinct, are sufficiently related that it would not be an undue burden upon the Examiner to examiner both sets of claims in a single application.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account No. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the

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Response

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Examiner Winkler, Ulrike Art Unit 1648  
USSN 09/831,182

petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C., 20231 on November 11, 2002

(Date of Deposit)

Richard P. Berg  
(Name of Person Signing)

  
(Signature)

November 11, 2002  
(Date)

Respectfully submitted,



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Enclosures: Appendices A and B